

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN**

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Cobbler Nevada, LLC

Civil Action No.:  
2:15-cv-12782

*Plaintiff,*

v.

Doe # 23: Breeann Harris, subscriber to IP  
Address 68.36.108.132 on 4/27/15 @ 3:53am  
11981 Juniper Way, Apt. 230  
Grand Blanc, MI 48439

*Defendant*

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Nicoletti Law, PLC  
Paul J. Nicoletti, Esq. (P44419)  
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Birmingham, MI 48009

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*Attorney for the Plaintiff*

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Gautam B. Singh (P73747)  
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Troy, Michigan 48099

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*Attorney for Doe # 23, Breeann Harris  
subscriber with IP 68.36.108.132 on  
04/27/15 at 3:53 AM*

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**DEFENDANT BREEANN HARRIS' ANSWER TO PLAINTIFF'S COMPLAINT,  
AFFIRMATIVE DEFENSES, AND PROOF OF SERVICE**

Now comes Doe # 23 (hereinafter Defendant, "Breeann Harris") subscriber assigned IP address 68.36.108.132 on 4/27/15 at 3:53am by and through her attorney Gautam B. Singh, and for its' Answer to the Complaint filed herein respectfully represents to the Court as follows:

**JURISDICTION AND VENUE**

1. As to Paragraph 1 of the Complaint, Defendant has no contest in so far as the Plaintiff brings this action under Copyright Laws (17 U.S.C. § 101 et. seq.). Defendant denies any

allegations of unauthorized acquisition or transfer copyrighted motion picture “The Cobbler” (hereinafter MOVIE).

2. As to paragraph 2 of the Complaint, Defendant has no contest.
3. As to paragraph 3 of the Complaint, it merely describes a technology to which no response is required. Further, Defendant lacks information upon which to form a belief and therefore leaves the Plaintiff to its’ proofs.
4. As to paragraph 4 of the Complaint, it merely describes a technology to which no response is required. Further, Defendant neither admits nor denies for lack of information upon which to form a belief and therefore leaves the Plaintiff to its’ proofs.
5. As to paragraph 5 of the Complaint, Defendant denies any allegations that Defendant reproduced, distributed or offered to distribute the MOVIE.
6. As to paragraph 6 of the Complaint, Defendant denies committing Copyright infringement of the MOVIE. As to the remainder of the allegations and assertions in paragraph 6, Defendant neither admits nor denies for lack of information upon which to form a belief and therefore leaves the Plaintiff to its’ proofs.
7. As to paragraph 7 of the Complaint, Defendant neither admits nor denies for lack of information upon which to form a belief and therefore leaves the Plaintiff to its’ proofs.

#### **PARTIES**

8. As to paragraph 8 of the Complaint, Defendant neither admits nor denies for lack of information upon which to form a belief and therefore leaves the Plaintiff to its’ proofs.
9. As to paragraph 9 of the Complaint, Defendant does not contest the Plaintiff is the owner of a copyright to the MOVIE in the United States. As to remaining allegation in paragraph 9, Defendant neither admits nor denies for lack of information upon which to form a belief and therefore leaves the Plaintiff to its’ proofs.
10. As to paragraph 10 of the Complaint, Defendant denies infringing on Plaintiff’s Copyright, and further denies Defendant’s legal conclusion that Defendant is an infringing party only

because Defendant is the subscriber to the IP address used for an alleged infringement and therefore leaves Plaintiffs to its' proofs. As to remaining allegation in paragraph 10, they represent Plaintiff's trial strategy and do not require a response.

**COUNT I**  
**COPYRIGHT INFRINGEMENT**

11. As to paragraph 11 of the Complaint, Defendant neither admits nor denies for lack of information upon which to form a belief and therefore leaves the Plaintiff to its' proofs.
12. As to paragraph 12 of the Complaint, Defendant has no contest.
13. As to paragraph 13 of the Complaint, Defendant has no contest.
14. As to paragraph 14 of the Complaint, Defendant denies any and all allegations of infringing MOVIE's copyrights. As to remaining allegation in paragraph 14, Defendant neither admits nor denies for lack of information upon which to form a belief and therefore leaves the Plaintiff to its' proofs.
15. As to paragraph 15 of the Complaint, Defendant denies any and all allegations that Defendant reproduced or distributed the MOVIE or portions thereof. As to the remaining allegation in paragraph 15, Defendant neither admits nor denies for lack of information upon which to form a belief and therefore leaves the Plaintiff to its' proofs.
16. As to paragraph 16 of the Complaint, Defendant neither admits nor denies for lack of information upon which to form a belief and therefore leaves the Plaintiff to its' proofs.
17. As to paragraph 17 of the Complaint, Defendant denies any and all allegations of copyright infringement. Furthermore, Defendant denies that Plaintiff is entitled to relief under 17 U.S.C. §504 from a non-infringer Defendant.
18. As to paragraph 18 of the Complaint, Defendant denies that Plaintiff is entitled to any remedy against Defendant under 17 U.S.C. §502 and §503 since Defendant is a non-infringer.

**PRAYER FOR RELIEF**

Defendant denies that Defendant owes Plaintiff any legal or equitable relief since Defendant has not infringed on the copyrighted MOVIE.

WHEREFORE, Defendant prays that this honorable Court

- deny Plaintiff’s request for relief under paragraph (A) through (F), and
- dismiss Plaintiff’s Complaint with prejudice and award Defendant its costs and attorney fees with interest so wrongfully incurred in defending this action, as well as any such relief that this Court deems just and equitable.

Date: January 2, 2016

Respectfully submitted,

s/Gautam B. Singh

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Gautam B. Singh  
Attorney for Defendant Doe # 23

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*Attorney for the Plaintiff*

*Attorney for Doe # 23, Breeann Harris  
subscriber with IP 68.36.108.132 on  
04/27/15 at 3:53 AM*

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**DEFENDANT BREEANN HARRIS' AFFIRMATIVE DEFENSES DIRECTED TO  
PLAINTIFF**

Now comes Doe # 23 (hereinafter Defendant, "Breeann Harris") subscriber assigned IP address 68.36.108.132 on 4/27/15 at 3:53am by and through her attorney Gautam B. Singh, and for its' Affirmative Defenses Directed to the Plaintiff states:

1. Plaintiff has failed to state a claim upon which relief can be granted.
2. Plaintiff's claims are barred, in whole or in part, because this court lacks subject-matter jurisdiction.

3. Plaintiff's claims are barred, in whole or in part, because this is of improper venue.
4. Plaintiff's claims are barred, in whole or in part, because Plaintiff has failed to join a party under Fed. R. Civ. P. 19.
5. Plaintiff's claims are barred, in whole or in part, by the statute of frauds.
6. Plaintiff's claims are barred, in whole or in part, by the statute of limitations.
7. Plaintiff has failed to mitigate damages.
8. Plaintiff's claims are barred, in whole or in part, by laches, unclean hands and/or equitable estoppel.
9. Plaintiffs' claims are barred in whole or in part by the intentional and/or negligent acts and/or omissions of Plaintiffs and/or other third parties.
10. Defendant reserves the right to amend its list of affirmative defenses.

#### **DEMAND FOR JURY TRIAL**

Defendant concurs with and renews Plaintiff's demand for a trial by jury of any and all issues in this action.

Date: January 2, 2016

Respectfully submitted,

s/Gautam B. Singh

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Attorney for Defendant Doe # 23  
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*Attorney for the Plaintiff*

*Attorney for Doe # 23, Breeann Harris  
subscriber with IP 68.36.108.132 on  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this date, I electronically filed the foregoing paper with the Clerk of the Court using ECF, which will send notification of such filing to all attorneys of record.

Date: January 3, 2016

Respectfully submitted,  
s/Gautam B. Singh

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